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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AURORA LOAN SERVICES LLC,

Plaintiff,

v.

DAVID SADEK; WINTHROP ABSTRACT,
LLC; FIRST FINANCIAL EQUITIES, INC.;
THE CLOSING NETWORK, LTD.; 100 W.
58TH ST. 7C LLC; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; JPMORGAN CHASE
BANK, N.A.; BOARD OF MANAGERS
WINDSOR PARK CONDOMINIUM;
WINDSOR TOV LLC; FREMONT
INVESTMENT & LOAN; JOHN DOES 1-
10,

Defendants.

DOCKET NO.: 09-CV-9651 (HB)

**DECLARATION IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT**

WILLIAM C. SANDELANDS, ESQ., of full age, hereby declares as follows:

1. I am a partner with the law firm of Tompkins, McGuire, Wachenfeld & Barry, LLP, attorneys for plaintiff Aurora Loan Services LLC ("Aurora"). I am an attorney at law duly licensed to practice before the courts of the State of New York, including this Court.
2. I submit this Declaration in support of Aurora's motion for summary judgment.
3. Title searches obtained by Aurora in anticipation of the commencement of foreclosure actions on each of the properties revealed that neither the Unit 7C Mortgage nor the Unit 5F Mortgage was recorded. The title searches also revealed that no deed was ever recorded

on either property conveying title to defendant David Sadek ("Sadek").

4. Attached as Exhibit A is a true and accurate copy of the Amended Complaint filed in this action.

5. Attached as Exhibit B is a true and accurate copy of the Answer filed by defendant JP Morgan Chase Bank, N.A. ("Chase") in this action.

6. Attached as Exhibit C is a true and accurate copy of the Amended Answer filed by defendant The Closing Network ("The Closing Network").

7. In determining the citizenship of each of the defendants for purposes of subject matter jurisdiction, our office performed various searches. The searches revealed the following:

- a. Defendant Sadek is a resident of the State of New Jersey who now resides at 100 Old Palisade Road, Fort Lee, New Jersey.
- b. Defendant Winthrop Abstract, LLC ("Winthrop") is or was at all relevant times a limited liability company formed under the laws of the State of New York with a business address of 654 Sharrotts Road, Staten Island, NY 10309. The members of Winthrop are/were Jonathan Boxman and Sadek and/or Sadek's ex-wife, Etty Sadek. Each of Winthrop's members are residents of the State of New Jersey.
- c. Defendant First Financial Equities, Inc. ("FFE") is or was at all relevant times a corporation formed under the laws of the State of New York, with business locations at 300 Frank W. Burr Boulevard, 4th Floor, Teaneck, NJ 07666 and 25 Rockwood Place, Englewood, NJ 07631.
- d. Defendant The Closing Network is or was at all relevant times a corporation formed under the laws of the State of New York with business addresses of 56 Harrison Street, Suite 504, New Rochelle, New York 10801 and 300 Frank W.

Burr Boulevard, 2nd Floor, Teaneck, NJ 07666.

- e. Defendant 100 W. 58th St. 7C LLC ("7C LLC") is or was at all relevant times a limited liability company formed under the laws of the State of New Jersey with a business address of 300 Frank W. Burr Boulevard, 4th Floor, Teaneck, NJ 07666. Sadek, a resident of the State of New Jersey, is the sole member of 7C LLC.
 - f. Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") is a corporation formed under the laws of the State of Delaware with its principal business address of 1818 Library Street, Suite 300, Reston, VA 20190.
 - g. Defendant JPMorgan Chase Bank, National Association ("Chase") is a national association with its main office located in Columbus, Ohio.
 - h. Defendant Board of Managers Windsor Park Condominium ("Board of Managers") has a business address of c/o Bellmarc Property Management Services, 325 Park Avenue South, New York, NY 10010 and 936 Broadway, New York, NY 10010.
 - i. Defendant Windsor Tov LLC ("Windsor") is or was at all relevant times a limited liability company formed under the laws of the State of Delaware with a business address of 150 Nassau Street, Suite 20C, New York, NY 10038. The two principals of Windsor are Yitzchak Tessler and Meyer Chetrit both of whom reside in the State of New York.
 - j. Defendant Fremont Investment & Loan ("Fremont") is a California industrial bank with its principal business address of 175 N. Riverview, Anaheim, CA 92808.
8. Attached as Exhibit D is a true and accurate excerpt from the deposition of Sadek,

which took place on May 20, 2011.

9. Attached as Exhibit E is a true and accurate copy of the Settlement Agreement produced by Sadek at his deposition on May 20, 2011.

10. After reviewing the Settlement Agreement, our office requested certified copies of documents from the lawsuit commenced by Washington Mutual Bank ("WMB") on February 15, 2008 in the Superior Court of the State of New Jersey, Bergen County, Chancery Division against Sadek, FFE, and 7C LLC. The Clerk of the Court advised our office that the Court's file had been purged. Accordingly, the Clerk only had a copy of the Complaint, without exhibits, as filed by WMB. A copy of the Complaint as certified by the Clerk is attached as Exhibit F.

11. Attached as Exhibit G is a true and accurate copy of the recorded 7C LLC Mortgage obtained from the Automated City Register Information System ("ACRIS") maintained by the Register of the City of New York.

12. Attached as Exhibit H is a true and accurate copy of the recorded Assignment of Mortgage relating to the 7C LLC Mortgage also obtained from ACRIS.

13. Attached as Exhibit I is a true and accurate copy of a cover page produced by The Closing Network during discovery.

14. Attached as Exhibit J is a true and accurate copy of a loan application submitted in connection with the 7C LLC Mortgage, which was produced by Chase during discovery.

15. Attached as Exhibit K is a true and accurate copy of a mortgage produced by Chase during discovery.

16. Defendants Board of Managers, Fremont and Windsor were each named in this action based upon potential interests in each of the properties, which are subordinate to the interest held by Aurora. Each of these defendants were duly served with a Summons and the

Amended Complaint. However, none of these defendants appeared or answered the Amended Complaint.

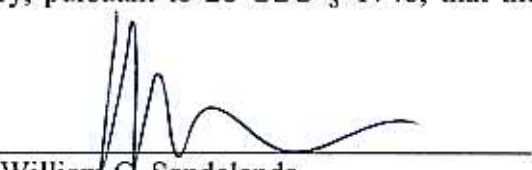
17. Default was entered against Board of Managers on June 10, 2010.

18. Default was entered against Fremont on June 10, 2010.

19. Default was entered against Windsor on June 10, 2010.

I declare under the penalty of perjury, pursuant to 28 USC § 1746, that the foregoing statements made by me are true and correct.

Dated: June 13, 2011



William C. Sandelands